

**REMARKS:**

Claims 1, 2, 3, 4, and 6-12 are in the case.

Claims 1, 3, 4, 6, 7 and 8 have been considered. The withdrawn claims 2 and 9-15 are retained since it is believed the examiner should consider these claims as well, for the reasons that will be set forth in detail later in these remarks, or that these claims should be considered on appeal if they are not found allowable.

The drawings and claims 1, 3, 4, 6, 7 and 8 have been rejected due to the recitation of:

"said internal process space (13) having a size to normally form a standing wave spacial oscillation therein, due to said frequencies."

This recitation has been canceled from claim 1 so that the specification and claims are now believed to be in proper form for allowance, or for appeal.

Claims 1, 3, 4, 6, 7 and 8 have also been rejected as being obvious from the combination of Japanese publication number 08-186064 to Hanada, taken in view of U.S. patent 6,177,023 to Shang et al., and further in view of either U.S. patent 5,210,466 to Collins et al. or U.S. patent 6,199,505 to Sato et al.

In discussing Shang, the Examiner observes that:

"It is well known in the art to scale up or down an apparatus to accommodate the desired substrate size." Office Action of October 3, 2005, page 5, lines 13-14.

Whether the Examiner is drawing on personal knowledge, or is using the Shang reference to support this general statement, the combination of Shang with Hanada and Collins or Sato, will not result in the claimed invention in any obvious manner. The person of ordinary skill in this art well understands that one can not simple scale any apparatus up and hope that all will work as in the smaller apparatus.

There is no motivation or suggestion to scale a reactor made by a combination of Hanada with either Collins or Sato, up to accommodate a substrate as large as the one in Shang, as claimed by the present inventor.

To help demonstrate that no combination of Hanada with Shang, and Collins or Sato would make a *prime facie* case of obviousness under 35 U.S.C. 103, the Examiner's attention is respectfully drawn to the attached Declaration Under 37 CFR 1.132, of the sole inventor Professor Jacques Schmitt, who is also an expert in the field to which his invention pertains.

It is believed that only by using hindsight gained by reading the present application could those with ordinary skill in the art reach claim 1 in any obvious way.

For example, the person of ordinary skill in the art of the present invention, would have no reason to believe that a larger reactor such as that of Shang, could be provided with a:

"dielectric layer (11) having capacitance per unit surface values which are not uniform along at least one direction of said general surface (15a), for generating a given distribution profile," (as called for in claim 1),

and, as well, be operated at a higher frequency than as taught by Shang, and still work.

Even assuming Shang teaches the general concept that scaling up is possible, why would the person of ordinary skill in the art also believe that forming the claimed capacitance profile and operating at higher frequency would also work?

Conversely, why would the skilled artisan think that scaling Hanada's reactor up and operating it a different frequency would work?

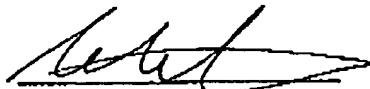
The apparatuses of all four references are highly balanced devices, operating under extreme conditions of low pressure, electrical field and dielectric conditions. To simply cobble together different features from various references without any suggestion in the prior art that the combination would work, is not the obvious combination contemplated by 35 U.S.C. 103.

Claims 3, 4, 6, 7 and 8 further define the invention and distinguish it further from the prior art.

Claims 2 and 9-12 further limit the scope of the invention so that these claims too are unobvious and should be rejoined with the application.

Although it is sincerely believed that the application is in condition for allowance, entry of this amendment at least for the purpose of appeal is respectfully requested.

Respectfully submitted,



Peter C. Michalos  
Reg. No. 28,643  
Attorney for Applicants  
(845) 359-7700

Dated: February 28, 2006  
**NOTARO & MICHALOS P.C.**  
100 Dutch Hill Road, Suite 110  
Orangeburg, New York 10962-2100  
**Customer No. 21706**

J:\Text\PAT-AMD\H37-091 DIV-Amend2.wpd

Page 10 of 10